THE HONOURABLE SRI JUSTICE GODA RAGHURAM

WRIT PETITION NO.17416 OF 2005

DATED: 08-08-2005

BETWEEN;

M.Ramanjaneyulu son of Venkateswarlu

..PETITIONER

VS.

The District Collector, Anantapur and three others.

..RESPONDENTS

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17416 of 2005

ORAL ORDER

The petitioner is the authorisee of the fair price shop in Nelagonda village, Guntakal Mandal, Anantapur District. Earlier a show-cause notice was issued on 23-08-2003 alleging commission of certain irregularities including an irregularity in distribution of essential commodities and that he was looking after the functions of the Branch Post Master of Nelagonda Village. Eventually after processing of the enquiry the Revenue Divisional Officer concerned, by the order dated 15-07-2003 closed the enquiry by imposing a fine of Rs.1,000/-(Rupees one thousand only) on the

petitioner, which he paid. Again on 23-08-2003 the Revenue Divisional Officer issued a show-cause notice listing out two (2) charges. The charges relate to the petitioner working as Branch Post Master and that one individual should not be allowed to continue as a Branch Post Master as well as a fair price shop dealer. The other allegation is with regard to the irregular supply of essential commodities. The petitioner contends that in respect of these charges an earlier process of enquiry was held and culminated in a final order dated 15-07-2003 imposing a fine of Rs.1,000/-.

After receipt of the petitioner's explanation to the show-cause notice dated 23-08-2003, the Revenue Divisional Officer concerned, by the order dated 24-09-2003 passed an order canceling the authorization of the petitioner. Aggrieved, the petitioner preferred an appeal to the Joint Collector. The Joint Collector by the order dated 26-05-2003 rejected the appeal. Aggrieved, the petitioner preferred a revision to the 1st respondent along with an application for interim stay of the order of cancellation and its confirmation by the order dated 19-07-2005. The 1st respondent rejected the said application of the petitioner recording a reason that there are no compelling grounds to grant stay. The revision is however, pending.

The petitioner contends that inasmuch as in respect of the same two (2) charges, earlier an enquiry was held and final orders were passed on 15-07-2003, there could not have been any fresh enquiry on the same charges, as such would be an arbitrary exercise of disciplinary power. It is contended on these assumptions of jurisdictional facts that the second process of enquiry initiated against the petitioner by the charge memo dated 23-08-2003 is patently without jurisdiction, as is the order of cancellation dated 24-09-2003.

The above contention of the petitioner ought not to be examined by this Court in this writ petition and at this stage. As against the order of cancellation dated 24-09-2003, the petitioner had preferred an appeal to the Joint Collector which appeal was rejected by the Order dated 26-05-2005. The petitioner then preferred a revisional remedy to the Collector which is pending before the 1st respondent.

In the circumstances, the contention of the petitioner with regard to jurisdiction of the Revenue Divisional Officer to have passed orders of cancellation ought not to be examined in the writ petition in view of the pendency of the revision before the Collector. However, the petitioner is entitled to an expeditious disposal of his

revision.

Accordingly, the writ petition is disposed of directing the 1st respondent to expeditiously and preferably within a period of three (3) weeks from the date of receipt of a copy of this Order, consider and disposal of the revision preferred by the petitioner. No order as to costs.

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GODA RAGHURAM,J

8TH AUGUST 2005

*TSNR